

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2020-293-C- ORDER NO. 2021-38
JANUARY 22, 2021

IN RE:	Application of Cathect Communications,)	ORDER APPOINTING
	Incorporated for a Certificate of Public)	HEARING EXAMINER
	Convenience and Necessity to Provide)	
	Resold and Facilities-Based Local)	
	Exchange, Exchange Access and)	
	Interexchange Telecommunications Services)	
	in the State of South Carolina, and for)	
	Alternative and Flexible Regulation)	

This matter comes before the Public Service Commission of South Carolina (“Commission”) on the request of the Commission Staff to appoint David Stark, Esquire, to serve as a hearing examiner in this Docket regarding the Application of Cathect Communications, Inc. for a Certificate of Public Convenience and Necessity to Provide Resold and Facilities-Based Local Exchange, Exchange Access and Interexchange Telecommunications Services. Mr. Stark would hear the evidence in the case without the presence of the Commission. We grant the Motion.

S.C. Code Ann. Section 58-9-1020 (2015) allows the Commission to employ a special agent or examiner in a telecommunications hearing. This person may administer oaths, examine witnesses, and receive evidence in any locality which the Commission may designate. *Id.* The examiner may not be used in a telephone rate proceeding under the statute. *Id.* We note that the present proceeding is not a telephone rate proceeding.

Further, S.C. Code Ann. Regs. 103-841(A) (2012) states that, when evidence is to be taken in a formal proceeding before the Commission, any Commissioner or any hearing examiner designated by the Commission may preside at the hearing. The presiding officer has the duty to conduct full, fair, and impartial hearings under Section B of the regulation. S.C. Code Ann. Regs. 103-841(B) (2012).

Mr. Stark, a licensed attorney since 2012, is a Staff Attorney to the Commission and has been employed in that position since 2012. We believe that Mr. Stark has the ability and knowledge to properly carry out the hearing examiner's role in this case, and we therefore grant the Motion appointing him as hearing examiner.

In accordance with the preceding paragraphs, we make the following:

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. S.C. Code Ann. Section 58-9-1020 (2015) allows the Commission to employ a special agent or examiner in non-rate telecommunications hearings.
2. The present proceeding is not a telephone rate proceeding.
3. S.C. Code Ann. Regs. 103-841 (2012) allows a hearing examiner designated by the Commission to preside at a hearing. This regulation sets out the duties and procedures to be employed by that examiner. These duties and procedures should be employed in the present case.
4. Mr. Stark has the ability and knowledge to act as a hearing examiner in the present case.
5. Mr. Stark should be appointed as the hearing examiner in this case.


IT IS THEREFORE ORDERED:

The Commission hereby appoints David Stark, Esquire, as the hearing examiner in the present case. Mr. Stark shall follow all applicable statutes and regulations that may pertain to his appointment.

This Order shall remain in full force and effect until further order of the Commission.

BY ORDER OF THE COMMISSION:





Florence P. Belser, Vice Chairman
Public Service Commission of
South Carolina